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REMARKS**Status of Claims:**

Claims 1-9 and 11-33 were pending in the application. Claims 2-8, 25, 27-29, and 32-33 are hereby cancelled without prejudice to, or disclaimer of, any subject matter therein. Claims 1, 9, 11-24, 26, and 30-31 are now pending. The Applicants specifically reserve the right to prosecute the subject matter of the cancelled claims in further divisional, continuation, and/or continuation-in-part applications. Each of the pending claims defines an invention that is novel and unobvious over the cited art. The Applicants believe that the instant Amendment places the application in condition for allowance. Favorable consideration of this case is respectfully requested.

Allowable Subject Matter:

All pending claims were deemed to be free of the prior art.

Claim Objections:

Claims 2-3, 7-8, and 13-19 were objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Without admission, disclaimer, or prejudice, claims 2-8 are hereby cancelled.

Claim 13 further limits claim 9 by reciting the expression vector is inducible by stress. It is known in the art that a promoter responds to specific induction signals. For example, the promoter of the *lac* operon is induced by the presence of lactose, but not by the stressors recited in the present invention.

Claims 14-19 further limit claim 13 by recitation of specific stressors that induce expression of the vector.

Rejections Under 35 U.S.C. § 112, 1st Paragraph:

Claims 3-6 were rejected under 35 U.S.C. § 112, first paragraph. Without admission, disclaimer, or prejudice, claims 3-6 are hereby cancelled.

Claims 23-27 were rejected under 35 U.S.C. § 112, first paragraph, over the recitation of Lucern PR promoters and stilbene synthase sequences generally. Without

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admission, disclaimer, or prejudice, claim 22 is amended to recite SEQ ID NO: 1 and 2. Claims 23, 24, and 26 incorporate recitations of SEQ ID NO: 1 by virtue of dependence from claim 1 (through claim 9). Without admission, disclaimer, or prejudice, claims 25 and 27 are cancelled.

Rejections Under 35 U.S.C. § 112, 2nd Paragraph:

Claims 1-9, 11-29, and 32-33 were rejected under 35 U.S.C. § 112, 2nd Paragraph, as being indefinite. Claims 1-29 are hereby amended, according to the suggestions of the Examiner. The amendments are solely for the purposes of increasing the clarity of the claims.

Claim 1 is amended to recite "comprises" and "SEQ ID NO: 3."

Claim 1 is further amended to recite "a" in place of "the" (sequence, promoter, gene).

Without admission, disclaimer, or prejudice, claims 2-3 are hereby cancelled.

Claim 20 is amended to recite "A plant cell."

Claims 22-23 are amended to recite methods as gerund forms as suggested by the Examiner.

Conclusion:

In view of the above, consideration and allowance are, therefore, respectfully solicited.

Accordingly, it is respectfully requested that the foregoing amendments be entered, that the application as so amended receive an examination on the merits, and that the claims as now presented receive an early allowance.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

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The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication, including any extension fees or fees for the net addition of claims, to Deposit Account No. 22-0185.

Respectfully submitted,



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